

The opinion in support of the decision being
entered today is not binding precedent of the Board.

Filed by: Trial Section Merits Panel
Mail Stop INTERFERENCE
Board of Patent Appeals and Interferences
United States Patent and Trademark Office
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Paper No. 23 20

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

FAXED

OCT 9 - 2003

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

DENNIS K. DANG

Junior Party,
(Patent No. 5,835,897)¹

v.

JERRY G. SEARE, PATRICIA SMITH-WILSON,
KURT VANWAGONER, JEAN A. MATTEY,
EILEEN K. SNYDER, CANDANCE WAHLSTROM,
MICHELLE WILLIS, and MATTHEW R. BENTLY

Senior Party
(Application 09/437,567)²

Patent Interference No. 105,073

Before LEE, TIERNEY, and NAGUMO, Administrative Patent Judges.

LEE, Administrative Patent Judge.

Judgment

¹ Based on Application 08/493,728, filed 06/22/95. The real party in interest is Symmetry Health Data Systems, Inc., a wholly owned subsidiary of Ingenix, Inc.

² Filed November 10, 1999. The real party in interest is Ingenix, Inc.

Interference No. 105,073

Dang v. Seare

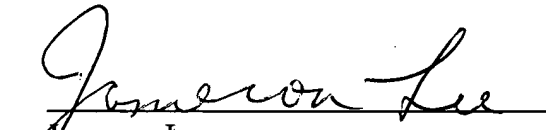
Because Ingenix Inc., has elected that the senior party should prevail in this interference (see Paper Nos. 15 and 17), it is now time appropriate to enter judgment. It is

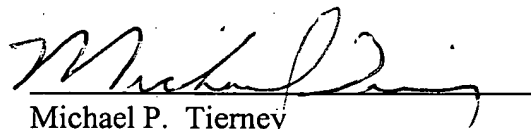
ORDERED that judgment as to the subject matter of Count 1 is herein entered against junior party DENNIS K. DANG;

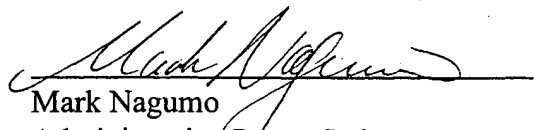
FURTHER ORDERED that junior party DENNIS K. DANG is not entitled to its patent claims 1, 3, 5, 11, and 33 which correspond to Count 1;

FURTHER ORDERED that if there is a settlement agreement, the parties should note the requirements of 35 U.S.C. § 135(c) and 37 CFR § 1.666; and

FURTHER ORDERED that a copy of this judgment be placed in the respective involved application or patent of the parties.


Jameson Lee
Administrative Patent Judge


Michael P. Tierney
Administrative Patent Judge


Mark Nagumo
Administrative Patent Judge

BOARD OF PATENT
APPEALS
AND
INTERFERENCES

Interference No. 105,073

Dang v. Seare

By Facsimile:

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and real party in interest Ingenix, Inc.:

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INTERFERENCE DIGEST

Interference No. 105,073

Paper No. 19

Name: Jerry G. Seare et al.

Serial No.: 09/437,567

Patent No.

Title: METHOD AND SYSTEM FOR GENERATING STATISTICALLY-BASED
MEDICAL PROVIDER UTILIZATION PROFILES

Filed: 11/10/99

Interference with Dang

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, favorable Dated, 10-9-03

Court, _____ Dated, _____

REMARKS

Decision Noted JA 7/14/04

This should be placed in each application or patent involved in interference in addition to the interference letters.